

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1418 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JIVANLAL C SHAH

Versus

SANDHALI VIVIDH KARYAKARI SAHKARI MANDALI LTD

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Appearance:

MR AJ PATEL for Petitioner

MR RAMESH SHAH for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/08/96

ORAL JUDGEMENT

1. On the request of the counsel for the petitioner, the name of respondents no.2 and 3 are deleted.

2. Heard learned counsel for the parties. The petitioner has challenged the order which has been passed against him by the Board of Nominees to the Registrar of Co operative Societies, Ahmedabad Division, Ahmedabad in

Lavad Case No.179 of 1971, and the order of the Gujarat State Co operative Tribunal at Ahmedabad in Appeal No.229 of 1978 dated 30th November, 1979 confirming thereunder the aforesaid order of Board of Nominees. In the suit filed against the petitioner, the decree has been passed by the Board of Nominees for a sum of Rs.4616-65 with interest at the rate of 10% per annum on the principal amount. This order has been confirmed by the Tribunal. Hence this Sp. Civil Application.

3. The counsel for the petitioner admits that both the courts below have given concurrent finding on the fact. The counsel for the petitioner further admits that for the payment of the amount for which the lavad suit had been filed by the respondent, the respondent no.2 has taken the kachchha receipt and that has also been lost. The plea of the petitioner that the amount as claimed in the lavad suit by the respondent- Society has been paid but not accepted by both the courts below, and rightly so, because the petitioner is unable to produce any cogent and satisfactory evidence of the payment of the said amount. Even the kachchha receipts have not been produced. The petitioner has not paid the amount, but on his behalf his surety the respondent no.2 has paid the amount, but he has also not cared to take the pucca receipts. I do not find any illegality in the orders made by the Board of Nominees as well as the Tribunal which calls for interference of this Court. This writ petition is wholly misconceived and the same is dismissed with no order as to costs. Rule discharged. Interim relief granted by this Court stands vacated.

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